

Message

From: Glenn, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E9F7C03E151E475D9A656C21FD6FE4BB-WGLENN]
Sent: 9/19/2019 6:36:16 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
CC: Jordan, Deborah [Jordan.Deborah@epa.gov]
Subject: FW: FYI - Wheeler mum on Trump's San Francisco enforcement threat - Greenwire

Fyi...

Bill Glenn
Acting Director
Office of Public Affairs
U.S. EPA, Pacific Southwest
glenn.william@epa.gov / (415) 947-4254

From: Maier, Brent <Maier.Brent@epa.gov>
Sent: Thursday, September 19, 2019 11:30 AM
To: Miller, Amy <Miller.Amy@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Jordan, Deborah <Jordan.Deborah@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>
Cc: Calvino, Maria Soledad <Calvino.Maria@epa.gov>; PerezSullivan, Margot <PerezSullivan.Margot@epa.gov>; Glenn, William <Glenn.William@epa.gov>
Subject: FYI - Wheeler mum on Trump's San Francisco enforcement threat - Greenwire

Wheeler mum on Trump's San Francisco enforcement threat

Timothy Cama and Kevin Bogardus, E&E News reporters - Published: Thursday, September 19, 2019



President Trump. @POTUS/Twitter

EPA Administrator Andrew Wheeler is saying nothing about what his boss says is a pending enforcement action against San Francisco, alleging that the city's homeless population is polluting water.

President Trump mentioned the possible EPA enforcement effort to reporters yesterday on Air Force One, returning from a California trip that included fundraisers in multiple cities and a visit to a border wall construction site.

"There's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater," Trump said of both San Francisco and Los Angeles. "And we have tremendous things that we don't have to discuss pouring into the ocean. You know there are needles; there are other things.

"It's a terrible situation — that's in Los Angeles and in San Francisco," he continued. "And we're going to be giving San Francisco, they're in total violation, we're going to be giving them a notice very soon."

Asked to explain further, Trump said EPA would likely act within the next week.

"EPA is going to be putting out a notice. They're in serious violation," Trump said, seemingly referring to San Francisco.

"And this is environmental ... and they have to clean it up. We can't have our cities going to hell. These are great cities. And we can't lose our great cities like this."

Wheeler was asked about Trump's comments today at a news conference on his agency's move to stop California from enforcing greenhouse gas emissions limits on cars.

His response: "I can't comment on potential enforcement actions."

EPA spokesman Michael Abboud said Trump's comments didn't come as a surprise. But he, too, declined to give any more details.

It's unclear what authority the federal EPA has to punish San Francisco.

Trump and people in his administration, like Housing and Urban Development Secretary Ben Carson, in recent weeks have harshly criticized California for homelessness in its cities and looked for ways to crack down on the mostly Democratic political leaders there.

"If these Democrat liberal politicians don't straighten it out, the federal government will have to come in," Trump said of homelessness during his border wall visit. "We're not going to lose cities like Los Angeles, San Francisco and others that are great cities."

The Washington Post reported last week that Trump had asked his administration to remove homeless people from the streets in California and put them in federal facilities, among other unprecedented actions.

San Francisco Mayor London Breed said that she's open to working with the Trump administration on homelessness but that the city's wastewater management is not the problem.

"San Francisco has a combined sewer system, one of the best and most effective in the country, that ensures that all debris that flow into storm drains are filtered out at the city's wastewater treatment plants," she said in a statement. "No debris flow out into the Bay or the Ocean."

She added, "If the President wants to talk about homelessness, we are committed to working with our state and federal partners on actual solutions."

In a tweet, Breed was more critical of Trump and his policies on the environment and homelessness.

"The President is cutting clean air and clean water standards, restricting our ability to regulate car emissions, and denying climate change even exists," she said. "He's cut funding for homelessness and affordable housing. In SF, we're meeting the challenges on our streets."

EPA's San Francisco-based Region 9 office, which oversees the agency's operations in California and three other states, would likely play a role in any enforcement action against the city.

An EPA Region 9 spokeswoman said the agency has a long-standing history of not commenting on potential enforcement actions and referred E&E News to the EPA headquarters' press office, which also declined to comment.

In response to E&E News' request for comment, a spokesman for Los Angeles Mayor Eric Garcetti referred to an earlier response from the mayor to Trump's disparagement of the city.

"If they're serious about helping, we're serious about getting together. It's no secret that I have disagreed with you on almost everything, Mr. President, but if you are in your heart willing to save lives alongside us, we know what works here," Garcetti said, speaking from a homeless shelter.

Officials representing California's state EPA didn't respond to requests for comment.

Twitter: @Timothy_Cama Email: tcama@eenews.net

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256

Message

From: Lopez-Carbo, Maria [Lopez-Carbo.Maria@epa.gov]
Sent: 10/3/2019 6:34:49 PM
To: Kloss, Christopher [Kloss.Christopher@epa.gov]; Gutierrez, Sally [Gutierrez.Sally@epa.gov]
Subject: FW: FYI Response sent

FYI.

-----Original Message-----

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Thursday, October 3, 2019 2:29 PM
To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Subject: FYI Response sent

The Administrator's September 26 letter to Governor Newsom is an oversight letter to the State about their implementation of the Clean Water Act and the Safe Drinking Water Act. EPA Region 9 issued a Notice of Violation on October 2 to the San Francisco Public Utilities Commission, a regulated entity, about Clean Water Act violations identified by EPA through inspections and field visits in 2015 and 2016, and subsequently gathered information, such as monitoring data. As the notice explains, the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks. For example, lack of proper operation and maintenance has caused force main and pump station failures that have diverted substantial volumes of raw and partially-treated sewage to flow across beaches and into the San Francisco Bay and the Pacific Ocean. Oversight of State program implementation and oversight of regulated entities are separate issues. EPA expects San Francisco to share its concern for the protection of public health and surface water resources and to address its ongoing Clean Water Act violations with significant and meaningful measures to ensure a prompt return to full compliance. EPA retains its enforcement authority in authorized states and can act if needed. Renewal of a permit that authorizes discharges and violations of that permit also are separate issues. On September 9, 2019, the San Francisco Public Utilities Commission elevated its concerns about the draft permit renewal to the Region 9 Regional Administrator. The concerns articulated in that letter included the Commission's interpretation of the 1994 Combined Sewer Overflow Policy and an objection to permit terms requiring compliance with water quality standards. Those issues implicate matters of national consistency and are under review by EPA.

The September 9 letter is attached.

Sent from my iPhone

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 10/29/2019 9:42:59 PM
To: Bodine, Susan [bodine.susan@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Rodrick, Christian [rodrick.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Carter, Brittany S. [carter.brittany@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
Subject: RE: CA Delegation Letters

This should address our points...until we are ready to send official responses.

EPA Spokesperson:

EPA is reviewing the responses from California to our oversight letters on their failures to comply with the Clean Water Act and the Safe Drinking Water Act, as well as their failure to submit approvable State Implementation Plans that would bring them into attainment with federal air quality standards. Because California has the worst air quality in the nation along with other serious environmental challenges, we stand ready to assist the State in addressing these very serious concerns to ensure the protection of public health and the environment for all Californians. As is evident from the October 2, 2019, Notice of Violation sent to the San Francisco Public Utility Commission, EPA also is ready to step in to address the approximately one and a half billion gallons of combined sewage annually discharged onto beaches and other sensitive areas, including areas where recreation takes place.

Background note: California leads the nation with backlogged SIPs and we have made it a priority to eliminate this backlog which have built up over many years.

See below...California currently has 127 backlogged SIPs. Arizona has the second most with 36.

State	Number of Backlogged SIPs
AK	1
AL	1
AZ	36
CA	127
CO	1
CT	5
DC	1
DE	2
FL	4
GA	4
IA	7
ID	1
IL	2
IN	7
KS	2
KY	8
LA	2
MA	6
MD	3
MI	2

MN	1
MO	4
MS	2
MT	3
NC	8
ND	4
NE	5
NH	3
NJ	12
NM	3
NV	5
NY	18
OH	3
OK	8
OR	5
PA	9
RI	1
SC	11
SD	1
TN	4
TX	4
UT	12
VA	2
VT	3
WA	1
WI	5
WV	3
WY	2

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, October 29, 2019 5:38 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittany@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>

Subject: RE: CA Delegation Letters

From: Benevento, Douglas <benevento.douglas@epa.gov>

Sent: Tuesday, October 29, 2019 5:27 PM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittany@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>

Subject: RE: CA Delegation Letters

My thoughts. Please edit as you see fit.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Sent: Tuesday, October 29, 2019 4:52 PM

To: Voyles, Travis <Voyles.Travis@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittany@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>

Subject: RE: CA Delegation Letters

In the mean time, this is what we are proposing using to reply until we have an official response:

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Ex. 5 Deliberative Process (DP)

From: Voyles, Travis <Voyles.Travis@epa.gov>

Sent: Tuesday, October 29, 2019 4:46 PM

To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittany@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>

Subject: RE: CA Delegation Letters

Hey Everyone—OPA just got a press inquiry about California's response to the Agency's actions and a 10/25 letter from CalEPA was referenced along with the letter from SF Water and CARB that I have previously provided.

I'm checking on this 10/25 CalEPA letter to ensure it is processed and claimed by my oversight team the same as the previous ones, but this was the first I had seen of it. I've attached a copy of it here for your reference.

Travis Voyles
(202) 564-6399

From: Voyles, Travis

Sent: Monday, October 14, 2019 5:00 PM

To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>

Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S.

<carter.brittanys@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>

Subject: RE: CA Delegation Letters

Another one from last week—specifically about the SIPs from CARB/Mary Nichols.

Travis Voyles
(202) 564-6399

From: Voyles, Travis

Sent: Friday, October 11, 2019 5:47 PM

To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>

Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittanys@epa.gov>

Subject: RE: CA Delegation Letters

Somehow missed this one along with the former EPA employees/EIP one—This one is also from EIP, but directed at AW.

Includes a list of 429 major sources in significant noncompliance because of either violating their discharge limits in their permits or failing to meet deadlines for complying with permit conditions or consent decrees.

Travis Voyles
(202) 564-6399

From: Forsgren, Lee <Forsgren.Lee@epa.gov>

Sent: Thursday, October 10, 2019 5:52 PM

To: Voyles, Travis <Voyles.Travis@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>

Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittanys@epa.gov>

Subject: RE: CA Delegation Letters

Travis,
Had not seen the letter. Thanks for bringing it to my attention.

Regards,
Lee

From: Voyles, Travis <Voyles.Travis@epa.gov>

Sent: Thursday, October 10, 2019 5:48 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>

Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittanys@epa.gov>

Subject: RE: CA Delegation Letters

Wanted to flag another letter—former EPA employees (through EIP) to the House Committee on Oversight and Reform calling for an investigation.

Travis Voyles
(202) 564-6399

From: Voyles, Travis
Sent: Thursday, October 10, 2019 1:13 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittany@epa.gov>
Subject: RE: CA Delegation Letters

Just wanted to make sure everyone saw the new incoming from Speaker Pelosi and Rep. Speier to the OIG.

Travis Voyles
(202) 564-6399

From: Voyles, Travis
Sent: Wednesday, October 9, 2019 1:20 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: CA Delegation Letters

Perfect—That works with us. Thanks Susan.

Travis Voyles
(202) 564-6399

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, October 9, 2019 1:18 PM
To: Voyles, Travis <Voyles.Travis@epa.gov>
Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S. <carter.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: CA Delegation Letters

Don't control it to OECA because it will be a month before I see it again. I can work with Lee on a first draft of a response.

Susan

From: Voyles, Travis <Voyles.Travis@epa.gov>
Sent: Wednesday, October 9, 2019 11:04 AM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Carter, Brittany S.

<carter.brittanys@epa.gov>

Subject: FW: CA Delegation Letters

Hey Susan—Just wanted to pass along these incoming letters the Agency has received over the past few weeks from the California delegation. I'm sure you've seen most of these but I just wanted to have them all in one place. OW wanted to briefly chat about the 10/7 letter today so I am going to do that, but my plan was initially to get your input on the development of a response to the 10/7 letter.

- 10/7 Letter from the California House delegation Dems (45 total) to Wheeler
- 10/3 Letter from Sens. Feinstein and Harris to EPA Office of Inspector General
- 9/27 Letter from Sen. Feinstein to EPA OIG
- 9/27 Letter from ECOS to Wheeler

Let me know if you have time to discuss or have any thoughts on OECA taking first pen for a response to the 10/7 letter.

Travis Voyles
(202) 564-6399

From: Benevento, Douglas <benevento.douglas@epa.gov>

Sent: Tuesday, October 8, 2019 9:21 PM

To: Voyles, Travis <Voyles.Travis@epa.gov>

Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>

Subject: RE: CA Delegation Letters

Thanks. I'm out until next Tuesday, let's catch up then. Talk to OW and make sure Susan has a copy of these letters as well. I would like to review our responses before we send on to the Administrator.

Thanks again Travis.

From: Voyles, Travis <Voyles.Travis@epa.gov>

Sent: Tuesday, October 8, 2019 7:15 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>

Cc: Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>

Subject: CA Delegation Letters

Hey Doug—

Just wanted to pass along a couple of letters the Agency has received over the past few days from Members of the California delegation on air and water enforcement issues.

- 10/7 Letter from the California House delegation Dems (45 total) to Wheeler
- 10/3 Letter from Sens. Feinstein and Harris to EPA Office of Inspector General

I have a call planned tomorrow with OW to discuss the response to the 10/7 from the CA House delegation, but more than willing to sit down and discuss with you if you want.

--

Travis Voyles
Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-6399
C: Ex. 6

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 10/28/2019 3:44:35 PM
To: Doyle, Brett [doyle.brett@epa.gov]
CC: Benevento, Douglas [benevento.douglas@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]
Subject: RE: CA points

Do we have an updated point for this:

- Between June 2018 and May 2019, we reduced the backlog of permit applications older than six months by **51% overall**

From: Doyle, Brett <doyle.brett@epa.gov>
Sent: Monday, October 28, 2019 11:36 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: CA points

Here is CCR and Superfund, working on SIPs now but may not get you stuff in time for 12.

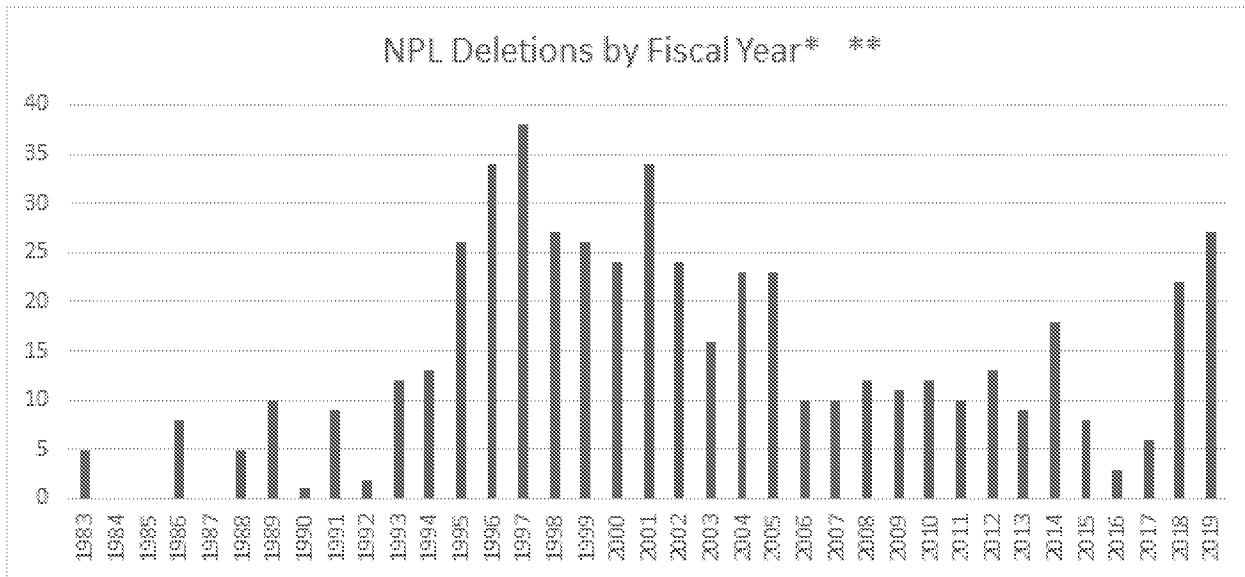
CCR

- In April 2015, the EPA finalized a regulation designating coal combustion residuals (coal ash, fly ash, bottom ash, and waste material from coal fired electric utilities) as nonhazardous materials. EPA also published requirements on how CCR is to be disposed, and ordered certain CCR units to permanently close.
- In 2018, the DC Circuit overturned three provisions of the 2015 CCR rule. Most notably, the court ordered EPA to force the eventual closure of ~100 CCR sites (or about a third of all US CCR sites) that had previously not been subject to closure under the 2015 rule.
 - This created significant uncertainty for industry, which the upcoming CCR rules package seeks to clarify.
- EPA is now proposing a set of four new rules.
 - In July, EPA proposed incentivizing reuse of coal ash in contained ways like as aggregate. Comment for that proposal closed in October.
 - EPA will propose a series of three additional rules beginning on 10/31, which will establish regulatory certainty for units impacted by the 2018 court decision.
 - The first proposed rule (10/31) sets August 2020 (with the possibility of an extension on a case by case basis) as the date for utilities to close coal ash impoundments subject to closure under the 2018 court case.
 - The next rule (late CY 19 early CY 20) importantly provides alternate means for utilities to demonstrate environmentally protective measures for coal ash impoundments. i.e. This will allow certain CCR units that are currently considered “unlined” to remain operational if they can meet certain requirements that show they do not pose a threat to human health or the environment.
 - Finally, EPA will propose the EPA permitting program for coal ash at utility sites (timing TBD). EPA has already accepted and approved some state permitting plans and are working with a number of states to approve more state plans. For states who choose not to submit their own programs for EPA to approve, Congress required that EPA develop its own permitting program.

Superfund

- Cleaning up Superfund Sites has been a top priority of this Administration.

- In FY 2019, we deleted all or part of 27 sites from the National Priorities List, the largest number of deletions in one year since 2001.
- We believe that a site on the National Priorities List should be just that – a national priority. This week we will be announcing two new sites to be added to the NPL and we will be proposing an additional 5 sites to be placed on the NPL.
- Being on the NPL brings stigma to a site and the surrounding community. It creates a chilling effect on businesses that may otherwise want to redevelop the site. Deleting a site from the NPL not only lets the community know that the site no longer poses a human or ecological health risk, but also gives confidence to the business community that the land is once again ready for productive use.



*Chart includes both total and partial deletions.

**Superfund sites are often broken down into component parts known as “Operable Units” or “OUs” which are specific geographic areas of a site. A partial deletion would be the deletion of an OU at a specific site. It is appropriate to include both total and partial deletions in the same data set. All superfund sites are different, and some OUs can be as complex and geographically large as an entire superfund site.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Sent: Monday, October 28, 2019 10:47 AM

To: Doyle, Brett <doyle.brett@epa.gov>

Cc: Benevento, Douglas <benevento.douglas@epa.gov>

Subject: RE: CA points

Will you check these, as well. I have a document ready with a plethora of issues...just waiting on your input on the three issues I have sent points for (CA, Superfund, CCR/ELG). Ryan wants this NLT noon. Thank you!!!

Coal Combustion Residuals and Effluent CCR/ELG

CCR

- In April 2015, the EPA finalized a regulation designating coal combustion residuals (coal ash, fly ash, bottom ash, and waste material from coal fired electric utilities) as nonhazardous materials. EPA also published requirements on how it is to be disposed of.

- In 2018, the DC Circuit overturned three provisions of the 2015 CCR rule.
- In the next week or so, EPA will be proposing a set of three new rules.
 - In July, EPA proposed incentivizing reuse of coal ash in contained ways like as aggregate. Comment for that proposal closed in October.
 - This proposed rule maintains groundwater testing of leaking impoundments and sets August 2020 as the date for utilities to close coal ash impoundments. However, it also importantly provides alternate means for utilities to demonstrate environmentally protective measures for coal ash impoundments.
 - Soon, EPA will propose the EPA permitting program for coal ash at utility sites. EPA has already accepted and approved state permitting plans and are working with a number of states to approve more state plans. For states who choose not to submit their own programs for EPA to approve, Congress required that EPA develop its own permitting program.

ELG

- In 2015, EPA finalized a rule prohibiting discharges to water of coal ash waste from utilities. *This was simply about mandating that utilities not use coal than about setting environmental standards.*
- In 2017, EPA received petitions to reconsider the 2015 rule from the regulated community and the Small Business Administration.
- In 2017, EPA extended the compliance with the deadlines in the 2015 rule until 2020 and won legal challenges to that extension.
- EPA is proposing a rule identifying the best available technology to treat coal ash water and set an environmental standard.
- EPA estimates that its proposed rule would result in cost savings of more than \$175 million annually and provide facilities with needed additional flexibility while also reducing the overall amount of pollutants discharged to our nation's waters by approximately 100 million pounds per year as compared to the existing Obama-era regulation.
- EPA's proposed rule will limit the amount of total suspended solids as well as mercury, arsenic, selenium, and nitrates allowed to be discharged from steam electric powerplants.
- This rule allows utilities to make their own business decisions on which fuels to use while setting environmentally protective standards based on the best available technology.
- Additionally, this year the Fifth Circuit vacated the 2015 regulations for two other discharges to water as arbitrary and capricious.

From: Schiermeyer, Corry

Sent: Monday, October 28, 2019 10:03 AM

To: Doyle, Brett <doyle.brett@epa.gov>

Cc: Benevento, Douglas <benevento.douglas@epa.gov>

Subject: RE: CA points

And this is what I have for Superfund:

Superfund

- In FY 2019, we deleted all or part of 27 sites from the National Priorities List, the largest number of deletions in one year since 2001.
- We believe that a site on the National Priorities List should be just that – a national priority. This week we will be announcing two new sites to be added to the NPL and we will be proposing an additional 5 sites to be placed on the NPL.
- By strengthening the Superfund program, we are breathing new life and new opportunity into disadvantaged communities around the country.

- Promoting Redevelopment and Community Revitalization: The Superfund Task Force has worked hard to increase the number of NPL sites that are returned to communities for redevelopment. In 2018, we made 51 sites ready for their anticipated re-use, the highest total since FY 2013.

From: Schiermeyer, Corry

Sent: Monday, October 28, 2019 9:31 AM

To: Doyle, Brett <doyle.brett@epa.gov>

Cc: Benevento, Douglas <benevento.douglas@epa.gov>

Subject: CA points

Hello Brett,

On CA, this is what I have...let me know what you find out on SIPs, that would be very helpful! Thank you...

California:

- Highlighting that California has the worst air quality in the nation along with other serious environmental problems is not a political issue. The Trump Administration, unlike the previous administration, will act to protect public health and the environment for all Americans.
- California's challenges with compliance with the Safe Drinking Water Act have been an ongoing concern since they were brought to my attention at the Energy & Commerce hearing back in March.
- Congresswoman Barragan raised serious concerns to me at that hearing about the drinking water in Compton, and subsequently I asked the Office of Water to look into the issue. The Congresswoman only gave me the opportunity to answer 2 "yes or no" questions, so I wasn't able to explain to her at the time that oversight of the Compton system is a program that had been delegated to the State of California under the Safe Drinking Water Act, and that therefore the State is the first line of defense.
- EPA has been reviewing several issues that were identified as a result of the follow-up to the Congresswoman's questions about the State of California's implementation of our Nation's water laws. Those issues were the basis for our September 26th letter.

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- The Administrator's September 26 letter to Governor Newsom is an oversight letter to the State raising concerns regarding their implementation of the Clean Water Act and the Safe Drinking Water Act.
- EPA oversight of a State's program implementation and EPA oversight or enforcement actions against a regulated entity within a state are completely separate issues.
- On Wednesday, October 2, EPA notified the San Francisco Public Utilities Commission, a regulated entity, that EPA has identified violations of the City and County of San Francisco's National Pollutant Discharge Elimination System permits regulating discharges from the city's wastewater treatment plants, 36 combined sewer discharge facilities and its combined sewer system. The identified violations are based on inspections and field visits in 2015 and 2016, and additional information, such as monitoring data that was gathered after the inspection.
- **As the notice explains, the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks.**
- For example, lack of proper operation and maintenance has caused force main and pump station failures that have diverted substantial volumes of raw and partially-treated sewage to flow across beaches and into the San Francisco Bay and the Pacific Ocean.
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CA Water Oversight Letter

- On Thursday, September 26, EPA sent a letter to Governor Newsom outlining deficiencies in the State of California's implementation of the Clean Water Act and the Safe Drinking Water Act, and how those deficiencies may be failing to protect Californians from degraded water.
- The letter outlines deficiencies in the State's oversight of the Clean Water Act and the Safe Drinking Water Act programs that have led to significant public health concerns in California and the steps the state must take to address them.
- EPA is aware of and highlighted to the state numerous recent health-based exceedances under the Safe Drinking Water Act.
- These exceedances call into question the State's commitment to protect the public and administer its SDWA programs in a manner consistent with federal requirements.
- EPA is also aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the homeless crisis is likely having adverse impacts on the environment.
- The EPA stands ready to assist California and CalEPA to protect the health and environment of Californians.
- In order to ensure that appropriate steps are being taken to protect the 40 million Americans living in California, EPA is asking for a remedial plan from the state detailing the steps it's taking to address the multitude of issues raised in our letter.

CA Air Oversight Letter

- Tuesday, September 24, EPA sent a letter to California Air Resources Board Chair Mary Nichols requesting the state withdrawal its backlog and unapproved State Implementation Plans, and work with EPA to develop complete approvable SIPs.
- Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act. California has the worst air quality in the United States with 82 areas that don't attain National Ambient Air Quality Standards affecting 34 million people living in these areas, more than twice as many people than any other state in the country.
- The state of California represents a disproportionate share of the national list of backlog SIPs, roughly one-third of EPA's overall SIP backlog.
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- In the event California fails to withdraw these SIPs, EPA will begin the disapproval process for individual plans which triggers statutory clocks for three things: highway funding sanctions; new source review permitting sanctions; a deadline for the issuance of a federal implementation plan for the area.
- When President Trump took office, EPA inherited 700 SIPs from the previous administration, we've taken action on over 400. Additionally, EPA has converted a FIP to SIP once a month since March 2017, and the EPA will continue to work diligently with the States to ensure they have approvable SIPs.
- EPA received an initial response from CARB and will ensure progress is being made on improving air quality in California. EPA stands ready to work with California to meet the administration's goal of clean healthy air for all Americans.

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

From: Doyle, Brett [doyle.brett@epa.gov]
Sent: 10/28/2019 2:52:40 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: CA points

Working on this now, will get back to you ASAP

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Monday, October 28, 2019 10:47 AM
To: Doyle, Brett <doyle.brett@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: CA points

Will you check these, as well. I have a document ready with a plethora of issues...just waiting on your input on the three issues I have sent points for (CA, Superfund, CCR/ELG). Ryan wants this NLT noon. Thank you!!!

Coal Combustion Residuals and Effluent CCR/ELG

CCR

- In April 2015, the EPA finalized a regulation designating coal combustion residuals (coal ash, fly ash, bottom ash, and waste material from coal fired electric utilities) as nonhazardous materials. EPA also published requirements on how it is to be disposed of.
- In 2018, the DC Circuit overturned three provisions of the 2015 CCR rule.
- In the next week or so, EPA will be proposing a set of three new rules.
 - In July, EPA proposed incentivizing reuse of coal ash in contained ways like as aggregate. Comment for that proposal closed in October.
 - This proposed rule maintains groundwater testing of leaking impoundments and sets August 2020 as the date for utilities to close coal ash impoundments. However, it also importantly provides alternate means for utilities to demonstrate environmentally protective measures for coal ash impoundments.
 - Soon, EPA will propose the EPA permitting program for coal ash at utility sites. EPA has already accepted and approved state permitting plans and are working with a number of states to approve more state plans. For states who choose not to submit their own programs for EPA to approve, Congress required that EPA develop its own permitting program.

ELG

- In 2015, EPA finalized a rule prohibiting discharges to water of coal ash waste from utilities. *This was simply about mandating that utilities not use coal than about setting environmental standards.*
- In 2017, EPA received petitions to reconsider the 2015 rule from the regulated community and the Small Business Administration.
- In 2017, EPA extended the compliance with the deadlines in the 2015 rule until 2020 and won legal challenges to that extension.
- EPA is proposing a rule identifying the best available technology to treat coal ash water and set an environmental standard.
- EPA estimates that its proposed rule would result in cost savings of more than \$175 million annually and provide facilities with needed additional flexibility while also reducing the overall amount of pollutants discharged to our nation's waters by approximately 100 million pounds per year as compared to the existing Obama-era regulation.

- EPA's proposed rule will limit the amount of total suspended solids as well as mercury, arsenic, selenium, and nitrates allowed to be discharged from steam electric powerplants.
- This rule allows utilities to make their own business decisions on which fuels to use while setting environmentally protective standards based on the best available technology.
- Additionally, this year the Fifth Circuit vacated the 2015 regulations for two other discharges to water as arbitrary and capricious.

From: Schiermeyer, Corry
Sent: Monday, October 28, 2019 10:03 AM
To: Doyle, Brett <doyle.brett@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: CA points

And this is what I have for Superfund:

Superfund

- In FY 2019, we deleted all or part of 27 sites from the National Priorities List, the largest number of deletions in one year since 2001.
- We believe that a site on the National Priorities List should be just that – a national priority. This week we will be announcing two new sites to be added to the NPL and we will be proposing an additional 5 sites to be placed on the NPL.
- By strengthening the Superfund program, we are breathing new life and new opportunity into disadvantaged communities around the country.
- Promoting Redevelopment and Community Revitalization: The Superfund Task Force has worked hard to increase the number of NPL sites that are returned to communities for redevelopment. In 2018, we made 51 sites ready for their anticipated re-use, the highest total since FY 2013.

From: Schiermeyer, Corry
Sent: Monday, October 28, 2019 9:31 AM
To: Doyle, Brett <doyle.brett@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: CA points

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Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

Message

From: Torres, Tomas [Torres.Tomas@epa.gov]
Sent: 10/28/2019 4:38:39 PM
To: Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Mclain, Jennifer [Mclain.Jennifer@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]
Attachments: Final Wheeler Response 10.25.19.pdf

You may have seen this, but just in case....

Tomás Torres, Director, Water Division
U.S. Environmental Protection Agency
75 Hawthorne Street (WTR-1)
San Francisco, CA 94105
(415) 972-3337
Visit us at: epa.gov/region9/water



Gavin Newsom
Governor

Jared Blumenfeld
Secretary for Environmental Protection

October 25, 2019

The Honorable Andrew R. Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Wheeler:

I am writing in response to your letter to Governor Newsom dated September 26, 2019, which makes several accusations concerning California's implementation of federal clean water and drinking water requirements.

In the areas you identified, California is already taking action to protect its citizens and the environment. U.S. EPA's own statistics demonstrate that California exceeds the performance of many states and is ahead of schedule in meeting U.S. EPA's compliance improvement targets—which makes the unusual decision to single out California's compliance with the federal Clean Water Act and Safe Drinking Water Act all the more extraordinary.

U.S. EPA Should Return to Cooperative Federalism

Before delving into specific issues, we reaffirm our commitment to work collaboratively with U.S. EPA on behalf of our constituents. California stands ready and willing to work with its federal partners – as we have for decades – to address the issues raised in your letter.

We urge you and your Agency to return to the principles of cooperative federalism. As your regional offices know, for decades states and the U.S. EPA have worked together to ensure local, cooperative enforcement of state and federal water laws in a way that affords the greatest protection possible to people and the environment. Your letter is a significant departure from this collaborative partnership.

And it is not just California that is troubled by the retreat from our past collaborative relationship; just after you issued your letter to California, the 50-state membership of the Environmental Council of the States observed in response that "recent communications and actions by U.S. EPA are damaging engagement [between state and federal governments] and eroding our ability to jointly protect our citizens and the environment."

Air Resources Board • Department of Pesticide Regulation • Department of Resources Recycling and Recovery • Department of Toxic Substances
Control Office of Environmental Health Hazard Assessment • State Water Resources Control Board • Regional Water Quality Control Boards

1001 I Street, Sacramento, CA 95814 • P.O. Box 2815, Sacramento, CA 95812 • (916) 323-2514 • www.calepa.ca.gov

ED_003023F_00000355-00001

The nationwide concern is not surprising; U.S. EPA has been retreating from its core commitments to clean water and safe drinking water. U.S. EPA has proposed water quality certification regulations that will dramatically curtail the states' authority to protect state waters from impacts of federally approved projects. U.S. EPA and the U.S. Army Corps of Engineers have proposed to drastically reduce the waters and wetlands protected by the federal Clean Water Act. California responded by promulgating a comprehensive wetlands policy that will protect wetlands where the federal government has abdicated its responsibility.

There are also several areas where the federal government is not fulfilling its responsibilities in California. For example, the largest source of raw sewage befouling California's beaches comes from a deficient federal facility operated by the U.S. International Boundary and Water Commission in the Tijuana River Valley. Similarly, communities in Calexico have suffered from toxic discharges entering the New River from Mexico, with little to no action from the federal government. We ask you to give immediate attention to these issues.

Moreover, the federal government has not fulfilled its responsibility to address contamination of perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA), which have been found at nearly all Department of Defense (DOD) sites in California. This contamination impacts not only the drinking water systems operated by the DOD, but also off-base drinking water wells and nearby water systems. DOD has been slow to investigate off-base and is using test methods, detection limits, and reporting levels that are not sufficiently protective of human health. DOD seems to prioritize its efforts toward on-base protection to the exclusion of nearby drinking water supplies. We ask that you work with California to investigate, monitor and, if needed, secure treatment, either on- or off-base, for water supplies contaminated with PFOS and PFOA.

I encourage U.S. EPA to recommit to its core mission to protect the environment and its history of collaboration with its state partners. None of the issues identified in your letter are unique to California, and in many states, the problems are unfortunately worse and often much worse. Collectively, the states and U.S. EPA can solve the water quality and safe drinking problems that persist nationwide. California hopes that in the future, U.S. EPA will return to being a constructive partner in protecting our citizens and the environment.

California is a Widely Recognized National Leader in Clean Water Act Compliance and Enforcement

While your letter questions California's compliance with and enforcement of the Clean Water Act generally, California is national leader in protections for water quality, with more extensive and longer extant statutory protections than the Clean Water Act provides. California enacted its Porter-Cologne Water Quality Control Act three years before the federal Clean Water Act, and many aspects of the Clean Water Act are modeled off California's lead. Moreover, the Porter-Cologne Act protects a greater variety of waters, regulates a greater range of waste, and reaches many more sources than the Clean Water

Act. California not only enforces the Clean Water Act but also enforces our own more extensive state statutory protections.

U.S. EPA's own data show California is ahead of other states and U.S. EPA in terms of compliance and enforcement. According to data from U.S. EPA's compliance and enforcement databases (ECHO), California's performance exceeds that of many states and U.S. EPA's own performance where it implements the NPDES program.¹ Indeed, a recent e-mail from U.S. EPA acknowledged that California's significant noncompliance rate is below the national average "and below the National Compliance Initiative goal of 14.7% by 2022."²

Over the last year and a half, the State Water Resources Control Board (State Water Board) has dedicated resources to meet U.S. EPA's National Compliance Initiative for reducing the number of facilities in significant noncompliance. The results have been stunning. In April 2018, the State Water Board's baseline summary identified 130 facilities in significant noncompliance for the quarter preceding the baseline. The same methodology shows 58 facilities in significant noncompliance for the third quarter 2019—a 55 percent reduction.

In asserting "the need for more formal and in-depth EPA oversight," your letter offers three examples of purported Clean Water Act violations. No example supports the assertion.

One of the examples did not even involve a Clean Water Act violation: despite an allegation that the Sanitary District Number 5 of Marin exceeded its permit limits for cyanide, the District has not had a cyanide effluent limitation violation in at least eight years. US EPA's database had misreported units, and the San Francisco Bay Water Board corrected that information before September 14, 2019 (before the final review of the quarterly noncompliance report).

In another example, your letter asserts that the city of Los Angeles exceeded its permit limit for indeno(1,2,3-cd)pyrene. However, the Los Angeles Regional Water Quality Control Board found that the violations arose not from any noncompliance with the Act but from a wildfire and dismissed the penalties. U.S. EPA did not object. More recent exceedances appear to have also been the result of wildfires, and once confirmed, the Los Angeles Regional Water Quality Control Board will dismiss those violations as well.

Finally, another example cited copper detected in stormwater discharges from the University of Southern California's marine lab on Catalina Island. There was never a threat to human health since people do not drink ocean water, plus the reported levels were well below the levels that would threaten human health even if humans were to drink ocean water. By the time of receipt of your letter, the Los Angeles Water Board had already ordered the marine lab to implement best management practices to stop the discharges and to perform a survey to identify the potential sources of copper on its lands.

¹ Data retrieved from <https://echo.epa.gov> [as of September 30, 2019].

² U.S. EPA email to State Water Board's Director of Office of Enforcement (Oct. 18, 2019).

California is a National Leader in Addressing Safe Drinking Water Challenges

Your letter's concerns about California's compliance with the Safe Drinking Water Act are equally unfounded. California recognizes a basic human right to safe, clean, affordable, and accessible drinking water. Since recognizing the right in 2013, California has undertaken numerous actions to make the right a reality. These actions include the recently enacted SB 200, which builds upon existing regulatory and funding efforts to address longstanding drinking water challenges, especially in rural and disadvantaged communities.

In addition, U.S. EPA's own data show that California is a national leader. Nationwide, U.S. EPA set a 2022 goal of reducing by 25 percent the number of community water systems out of compliance with health-based drinking water standards. While the number of systems out of compliance has increased by 5 percent nationally since then, California has achieved a 19 percent *reduction* with three more years to go before the 2022 deadline.³

California has achieved this success by focusing on the root of the problem. Small, disadvantaged communities make up the majority of water systems out of compliance in California and the nation. These small systems struggle to develop additional water sources, to provide the necessary treatment, or to maintain the system adequately. Rather than ignore this systemic problem, California has proactively moved to empower the State Water Board to order consolidation of failing and unsustainable systems with neighboring systems. More than 100 consolidations have been initiated or completed in the last couple of years, which has secured safe drinking water for more people and reduced the number of drinking water systems in California that are out of compliance.

Your letter identified several specific areas of concern about compliance with health-based drinking water requirements. Each is the subject of on-going enforcement actions that will lead to improvements and safe drinking water. For example, you claim two systems have serious violations of the Ground Water Rule, but both systems are already back in compliance. You also claim 44 systems have disinfection byproduct violations, but most systems with those types of violations are brought back into compliance within the next quarter. These episodic events occur nationwide. If the system cannot come back into compliance quickly, it may need capital improvements. Where water systems require capital improvements to address drinking water violations, California provides no- or low-interest loans through the Drinking Water State Revolving Fund or bond proceeds.

Other violations your letter cited were exceedances of arsenic and radiological standards. These compliance problems exist, and are largely caused by the inability of small water systems to support technical, managerial, and financial capacity and system operations and maintenance, which small systems simply do not have the revenue base to support. To close

³ U.S. EPA SDWIS Federal Data Warehouse, July 2019 (SY2019Q2), SFRS NPM detail report provided by U.S. EPA to State of California on October 2, 2019.

this funding gap, SB 200 created a new Safe Affordable Drinking Water Fund and established a \$130 million annual appropriation to the State Water Board to support access to safe drinking water because federal dollars cannot be used to help these communities in need.

Water Quality Issues Associated with Homelessness

Citing media reports, your letter expresses concern that homeless persons may be impacting water quality. Although homelessness is an issue we all need to work collaboratively to solve, your concern about homelessness's impact on water quality is sensationalized and, in California, misguided.

For years, the State Water Board and the nine Regional Water Quality Control Boards have been taking actions to neutralize water quality threats from homeless camps, such as cleaning up high-risk sites and implementing measures to prevent recurrence of sanitation problems. Your letter suggests that the Water Boards should use municipal stormwater permits to require local agencies to provide sanitation stations. In fact, the Water Boards already have begun doing so. (See, e.g., Central Coast Water Board Order No. R3-2019-0073 [NPDES CA0049981].) As additional municipal stormwater permits come up for renewal and where pollution from homeless encampments threaten state waters, the Water Boards will pursue conditions requiring municipalities to assess and reduce such pollution to protect human health and the environment. Although we believe that these efforts provide a national model, we welcome more support from U.S. EPA in this area. Among other things, U.S. EPA could urge the U.S. Department of Housing and Urban Development to remove restrictions on using federal funding for the sanitation needs of the homeless and update its municipal stormwater regulations with specific requirements.

The City and County of San Francisco's Combined Sewer System

Your letter also raises concerns about San Francisco's combined system for dealing with urban runoff and sewage. Such combined systems have the important advantage of treating urban runoff before it reaches California's waters. On the other hand, during extreme or persistent storms, the combined system may overflow, resulting in only partially treated sewage reaching the ocean. Your letter is wrong in suggesting that the San Francisco system's overflow during wet weather violates the Clean Water Act. As you must know, the Clean Water Act allows combined sewer systems to provide lesser treatment during wet weather when the vast majority of the waste stream is stormwater. (33 U.S.C. § 1342(q)(1)). In addition, contrary to your letter's suggestion, the Clean Water Act does not require combined sewer systems to apply biological treatment during those same conditions. (*Ibid.*) California believes in minimizing the occurrences of partial treatment, however, which is why the San Francisco Bay Water Board has been taking actions to improve San Francisco's performance.

On September 11, 2019, the San Francisco Bay Water Board adopted an updated and more stringent NPDES permit for San Francisco's oceanside discharges. U.S. EPA publicly supported

that update, which requires San Francisco to evaluate, prioritize, and propose alternatives (with an implementation schedule) to eliminate or to reduce discharges of partially treated wastewater to sensitive areas, including beaches. That permit happens to be a joint permit and U.S. EPA has failed to act on its portion of the permit. Beyond the permit update, the San Francisco Bay Water Board and U.S. EPA have been pursuing a joint enforcement action involving San Francisco's combined system. U.S. EPA recently abandoned the joint enforcement effort with California and has instead chosen to proceed unilaterally. This development is confounding, and contrary to long history of productive state-federal cooperative enforcement.

Response to U.S. EPA's Request

Although U.S. EPA's own data show that California already outperforms the national averages in core metrics on implementation and enforcement of the federal programs, California wants to work in good faith with U.S. EPA to solve the complex environmental challenges we still face. Attached to this letter is a list of actions the state is already undertaking and which are also responsive to the allegations in your September 26th letter. Using its broad authority to protect water quality and advance California's human right to water, the State Water Board is implementing each of these actions (and, indeed, has been doing so well before your letter was sent). The attachment also identifies additional dates for expected outcomes and timelines for certain actions. The actions California already has under way to address clean water for Californians include aggressive steps to:

1. Encourage applicants for water loans and grants to submit proposals that will address sanitation issues for the homeless; expand requirements in upcoming municipal stormwater renewals to address homeless encampment wastes that reach stormwater systems; and amplify successful local programs and partnership to prevent water quality impacts and address sanitation needs of the homeless.
2. Complete enforcement-related negotiations to ensure further upgrades to San Francisco's combined system.
3. Prioritize enforcement with a goal to meet U.S. EPA's national compliance initiative targets at least one year before U.S. EPA's 2022 deadline.
4. Complete data reliability and alignment issues between U.S. EPA and Water Boards' enforcement databases.
5. Realign enforcement priorities to assure additional follow-up for facilities that receive mandatory minimum penalties.
6. Implement California's Safe and Affordable Drinking Water Fund by consolidating unsustainable drinking water systems, appointing administrators, providing replacement water, and expanding opportunities to provide operation and maintenance funding to small disadvantaged community water systems.
7. Perform additional testing and to ensure drinking water in California's schools comply with applicable lead standards.
8. Remove lead fittings and service lines from community water systems.

We look forward to working with U.S. EPA on these actions. California is a leader in protecting water quality as well as the environment in general, and we have a long history of productive collaboration with both regional and national U.S. EPA staff. I urge U.S. EPA to fulfill its own obligations and to honor our long history of collaboration by recommitting to a partnership with California.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Blumenfeld". The signature is fluid and cursive, with a horizontal line extending from the end.

Jared Blumenfeld
Secretary
California Environmental Protection Agency

Water Quality and Drinking Water Improvement Actions

This document details the actions that California is already taking to protect its citizens and the environment in the areas identified in Administrator Wheeler's September 26, 2019 letter and, as requested, identifies anticipated outcomes that may serve as milestones. This document also suggests ways in which U.S. EPA may support these actions.

Addressing Water Quality Issues Associated with Homelessness

Action 1: Amplify Successful Local Programs and Partnerships

As stated in Secretary Blumenfeld's response letter to Administrator Wheeler, homelessness is an issue all levels of government need to collaborate to solve. But claims about widespread water quality issues related to homelessness are unfounded and sensationalized. While the state does not stipulate that homelessness is a primary driver of water quality issues, we nevertheless are providing a substantive response detailing a number of ongoing initiatives in this arena.

The State Water Board currently provides state bond proceeds for stormwater management to local governments, and the Department of Water Resources provides bond proceeds for urban flooding mitigation. Each bond issuance is over \$90 million. Existing partnerships provide for the provision of sanitation facilities at homeless encampments, trash collection partnerships, and restoration of riparian corridors. The State Water Board will encourage future grant applicants to submit proposals that build off these existing partnerships and include provision of sanitation services and facilitation of transition to shelters and housing for homeless people living in high flood risk urban and riparian areas.

Regional water boards also are considering new stormwater permit requirements addressing provision of sanitation facilities, and the collection and disposal of medications and pet waste. The State Water Board is also developing guidance for regional water board actions.

The San Francisco Bay, Los Angeles, Santa Ana and San Diego Water Boards are currently working with larger metropolitan stakeholders to craft permit requirements addressing pollutants from homeless encampments and homeless persons. The large municipal stormwater permits are regional permits that incorporate watershed-based compliance pathways, which provide a model for permits throughout the state, including integrated regional planning, monitoring with adjacent municipalities and best-practices on human, pet and medical waste hauling and removal.

The Water Boards are also expanding their engagement with local partners (including local governments, non-governmental organizations, private sector organizations, and the public) to identify and expand successful models that address homelessness, sanitation, and water quality in a holistic manner. These expanded actions include

convening workshops, sharing best practices, measuring water quality, participating on local task forces, developing regulatory requirements, and promoting innovative use of financial assistance programs.

Workshops held by the State Water Board and the Central Coast Water Board in 2019 brought together stakeholders to discuss successful local partnerships, resource needs, and potential roles for the Water Boards. Moving forward, other Regional Boards will hold public meetings devoted to homelessness, provide information via their websites and electronic notification lists, support local governments to identify water quality outcomes, and develop metrics for tracking progress on sanitation and water quality objectives associated with homeless encampments.

Anticipated Outcomes:

- Additional funding for local programs that deliver multiple benefits of improved services to homeless individuals, improved stormwater quality, and reduction of urban flood risk
- New and expanded outreach efforts
- Development of progress metrics
- Tracking and dissemination of information regarding local initiatives to support sanitation and water quality protection in and around homeless encampments.

Requested Federal Support:

Additional resources through the AmeriCorps program to support outreach and engagement that includes sanitation and water quality objectives along with efforts to provide housing and support to keep people from becoming homeless again. A successful AmeriCorps partnership has been operating in Santa Barbara County, where volunteers, non-governmental organizations, and local governments have helped more than 1,400 people with housing.

U.S. EPA and the Federal Emergency Management Agency (FEMA) could support state efforts by identifying opportunities to leverage existing funding programs to jointly address homelessness and water quality impacts. For example, U.S. EPA could join the U.S. Interagency Council on Homelessness to better coordinate across the federal government around homelessness, sanitation, and water quality. U.S. EPA could also provide seed funding to develop more programs like those in Santa Cruz and Riverside Counties where housed and unhoused volunteers come together to clean up degraded waterways. In addition, FEMA could provide hazard mitigation funding where homeless encampments are impacting the development and use of water resources.¹

U.S. EPA needs to provide technical support for the updated municipal stormwater permits and should issue nationwide guidance about the measures municipalities must

¹ For example, **section** 1210b of the Disaster Recovery Reform Act of 2018 authorizes FEMA to provide assistance to States under its Hazard Mitigation Grant Program for water resource development projects that also fall within the authority of the United States Army Corps of Engineers (USACE). Additional funding could be particularly useful in addressing encampments along the Santa Ana River below Prado Dam, which is operated by USACE.

undertake to satisfy the federal Clean Water Action's municipal stormwater permitting standards.

San Francisco Combined System Permitting and Enforcement

Action 2: Complete Negotiations with San Francisco

The San Francisco Bay Water Board and U.S. EPA Region IX have been involved in negotiations with the City and County of San Francisco to provide upgrades to its combined sewer system. The San Francisco Bay Water Board adopted an updated, more stringent permit on September 11, 2019, and anticipates continuing enforcement discussions with a goal of completing an enforcement action that will further reduce wet weather discharges of partially treated waste and reduce sanitary sewer overflows.

Anticipated Outcomes:

The San Francisco Bay Water Board anticipates completing either a consent judgment under state law, or joining a federal consent decree, with additional system upgrades. If neither is possible, it may need to pursue either an administrative or judicial enforcement action against the City and County of San Francisco.

Requested Federal Support:

The updated oceanside permit is awaiting U.S. EPA signature, so its requirements can take effect for purposes of facilities outside the state's jurisdiction. In addition, U.S. EPA and U.S. DOJ should continue on-going negotiations with the San Francisco Bay Water Board and the City and County of San Francisco to conclude a consent decree specifying further system upgrades.

Improving Water Quality Compliance and Enforcement

Action3: Initiative to Reduce Facilities in Significant Noncompliance (SNC)

Over the last year and a half, the State Water Board's Office of Enforcement (OE) has dedicated resources to meet U.S. EPA's National Compliance Initiative for reducing the number of facilities in significant noncompliance (SNC). To improve enforcement response, the Water Boards are updating the Quarterly Noncompliance Report (QNCR) review process. The updated process includes meetings between U.S. EPA, OE, and each regional water board to review the final QNCR, prioritize enforcement cases, and both plan and implement the appropriate enforcement response. Additionally, OE created and disseminated tables to the regional water boards that outline the violation types that trigger SNC and summarize the appropriate enforcement response consistent with U.S. EPA's Enforcement Management System.

OE is also working with the Assistant Executive Officers at each regional water board to identify staff to work on reviewing QNCR and reducing SNC. The first round of reviewing the QNCR with the regional water boards is ongoing. Future QNCR reviews will be streamlined and more efficient as staff become familiar with this process.

Anticipated Outcome:

The improvements to the QNCR review process will reduce the number of facilities in SNC.

Action 4: Verification and Alignment of U.S. EPA's ICIS-NPDES Data Quality Inventory for California with Water Board Databases and Regional Water Board Enforcement Efforts

The supposed violations and discharge events cited in Administrator Wheeler's September 26, 2019 letter were identified by using U.S. EPA's ICIS-NPDES Data Quality Inventory. As California's response demonstrates, a number of these examples were erroneous, and other identified violations pose no significant threat to water quality or even merit an enforcement response. The ICIS database is also difficult to use. There are many existing data transfer issues with the ICIS database, and it is not currently possible to identify the violation that has been flagged as an instance of SNC without requiring extensive staff research to determine and prioritize the violations.

The Water Boards are working to verify and align the ICIS-NPDES Data Quality Inventory for California so that it accurately reflects information provided by permittees under NPDES self-reporting requirements. To do this, and thereby improve the utility of the ICIS-NPDES Quality Inventory, OE has been an active participant in U.S. EPA's SNC Workgroup and two of its subcommittees, the SNC Data Subcommittee and the Communications and Policy subcommittee. OE staff has taken the lead on some of the Data Subcommittee tasks and drafted resources for state and U.S. EPA regional staff to aid in investigating the reason(s) a facility is in SNC. Currently, the SNC list is not a useful management tool, because it flags violations as significant when there are not significant water quality impacts nor significant impact to the regulatory program.

Anticipated Outcome:

Improvements in the ICIS database will make the SNC list a useful management tool for California water quality enforcement measures.

Requested Federal Support:

- Dedicate additional resources to improving the ICIS-NPDES Quality Inventory database, or replace it with a modern information system.
- Revisit the definition of what qualifies as SNC to make these types of violations a more meaningful indication of threats to water quality or assessment of tNPDES regulatory program compliance.

Action 5: Identify and Elevate Facilities with Mandatory Minimum Penalty Violations that Form the Basis for SNC

California law imposes mandatory minimum penalties (MMPs) for specified violations of national pollutant discharge elimination system (NPDES) permits. Currently the Water Boards prioritize resolving MMPs within 18 months of the violations. However, when the Water Boards assess mandatory penalties for NPDES violations, which require at least a \$3,000 per violation per day penalty, U.S. EPA does not recognize the penalty alone as adequate enforcement for facilities in SNC. This can create a situation where a

Water Board has completed a prioritized enforcement action by imposing MMPs, but U.S. EPA does not regard that enforcement as sufficient to remove the SNC listing.

The Water Boards commit to conduct a review NPDES permit violations that result in a publicly owned treatment works (POTW) appearing on U.S. EPA's SNC list. That review will screen the facilities to ensure that before a Water Board resolves the MMP violations, it consider additional enforcement actions. The screening will consider whether additional enforcement, including issuance of discretionary liability and/or injunctive relief is warranted in order to correct the underlying cause of the violation(s), bring the facility back into compliance, and prevent similar violations in the future.

Anticipated Outcome:

Administrator Wheeler's letter cites 15 major POTWs in significant noncompliance and 11 non-major POTWs that are currently in significant noncompliance. By committing to the actions above, the Water Board will ensure that additional enforcement actions are conducted to bring facilities back into compliance when appropriate.

Improving Access to Safe Drinking Water

Action 6: Implementation of Safe and Affordable Drinking Water Fund

In July 2019, Governor Newsom signed SB200. This legislation created the Safe and Affordable Drinking Water Fund and provided an ongoing appropriation of \$130 million per year to fund the program. The Safe Affordable Drinking Water Fund and associated programs created by SB 200 build upon existing regulatory and funding efforts to address longstanding drinking water issues in small water systems in disadvantaged communities. Small, disadvantaged communities make up the majority of water systems out of compliance in California, and the nation. The Federal Safe Drinking Water Act and the Drinking Water State Revolving Fund are both structured to work better with large municipal water systems and provide limited funding and ineffective tools for addressing small water systems in disadvantaged communities. With SB200, and preceding state legislation, California now has both the tools and the funding to accelerate all communities' access to safe and affordable drinking water.

Specific tools and funding that the State Water Board now has at its disposal include:

- **Consolidation Authority:** The State Water Board is working with small community water systems on voluntary consolidation agreements to combine with nearby larger systems. The State Water Board has authority to force mandatory consolidations, under appropriate circumstances, where voluntary efforts are not successful.
- **Water System Administrators:** The State Water Board has the authority to name administrators to oversee small water systems who lack management and technical capacity. Administrators work with water systems to put them on a path to long term sustainability. The State Water Board also has funding available to pay for administrators.
- **Mapping and Needs Assessment:** The State Water Board has ongoing efforts to assess water system needs including financial and other capacity issues. The

State Water Board has found that new systems go out of compliance as others are returned to compliance. Therefore, it is necessary to try and identify those systems with a high risk of failure before they are out of compliance with water quality standards. The State Water Board is also working on more accurately mapping water system boundaries and on linking water quality data (groundwater and surface water) with drinking water data.

- **Technical Reporting:** The Water Board has the authority through SB200, to require technical reports from water systems that may include both technical details about the water system and technical, managerial and financial capacity of the system. This authority will enhance our ongoing enforcement efforts.
- **Operation and Maintenance:** Funding provided by the Safe Affordable Drinking Water Fund may be utilized for ongoing operations and maintenance support. For small, disadvantaged systems this is often a missing piece that limits their ability to operate appropriate treatment technologies and is largely behind why many systems have disinfection byproduct violations, but it cannot be funded through the Drinking Water State Revolving Fund or other federal funds.

In addition to the above the State Water Board is working on interim drinking water solutions for affected communities, providing a wide range of technical assistance services and working on water system regionalization (both physical and managerial).

Anticipated Outcome:

In the first year of the Safe Affordable Drinking Water program, the State Water Board has committed to accelerating consolidations, appointing administrators, supplying communities that currently lack safe drinking water with temporary supplies, and providing assistance to vulnerable water systems to plan for long term sustainable solutions. Goals for subsequent years will be developed as part of yearly Fund Expenditure Plan, which is required by SB200. The Fund Expenditure Plan will be developed through an open public process and approved by the Water Board. In addition to enumerating yearly goals, the Fund Expenditure Plan will report on metrics from the prior year and account for expenditure of all prior year funds.

Requested Federal Support:

U.S. EPA's Safe Drinking Water Information System requires significant upgrades. The system's outdated architecture confounds California's updated mapping and needs assessment efforts. In the absence of adequate federal investments, California and other states are expending significant resources to develop their data systems to provide a more accurate snapshot of safe drinking water needs.

Action 7: Test all public schools for lead

Children are the most sensitive population for the effects of lead contamination. Unfortunately, the outdated federal lead and copper rule does not provide adequate protection for testing at sites where children may be exposed to lead in drinking water. To address this, California has issued permit amendments to all water systems serving schools to require that they include testing for lead at schools as part of their sampling programs when requested by a school. The Legislature also passed AB 746, which requires public schools to seek testing from their water systems.

Anticipated Outcome:

California has just completed testing over 7,100 schools and is awaiting final results from approximately 200 public schools. Once those final results are received, the State Water Board will determine how many schools still need testing and ensure that they are tested. Only 0.86 percent of sites sampled so far exceeded the lead action level of 15 parts per billion (ppb) of lead, 4.03 percent were between 5 pb and 15 ppb, and 95.11 percent were less than 5 ppb of lead.

Action 8: Lead service line inventory and replacement

The simplest and most effective way to address lead in drinking water is to remove the possibility of contamination from lead plumbing. The use of corrosion control, as is currently required by the federal lead and copper, is prone to occasional failure when water sources change or operational failures occur, as was the case in Flint Michigan.

California is therefore pursuing the complete removal of lead from its community water systems to provide the best safeguard to its public. California state law requires all community water systems to compile an inventory of partial or total lead service lines used in their distribution systems. By July 1, 2020, all community water systems with identified lead service lines or fittings, or with service lines that are of an unknown material, will need to submit a schedule for replacing the lines.

Anticipated Outcome:

By July 1, 2020, the State Water Board will receive community water systems' schedules for replacement of all lead service lines or service lines made from unknown materials. The State Water Board will then review and assess the proposals to ensure expeditious removal of all lead sources from community drinking water systems.

Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 10/29/2019 8:38:11 PM
To: Millett, John [Millett.John@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Jones, Enesta [Jones.Enesta@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]; Hackel, Angela [Hackel.Angela@epa.gov]; Risley, David [Risley.David@epa.gov]; Fuld, John [Fuld.John@epa.gov]; Hull, George [Hull.George@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Press [Press@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]
Subject: RE: Media query re CalEPA letter
Attachments: 10.25.19CalEPAletter.pdf

Here's a PDF of the 10.25.19 letter

From: Millett, John <Millett.John@epa.gov>
Sent: Tuesday, October 29, 2019 4:33 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Press <Press@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Media query re CalEPA letter

Checking for OAR as well.

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Tuesday, October 29, 2019 4:26 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Press <Press@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: RE: Media query re CalEPA letter

Let me run that response by lee and susan now

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, October 29, 2019 4:24 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Press <Press@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Millett, John <Millett.John@epa.gov>
Subject: RE: Media query re CalEPA letter

Thank you. we missed this deadline...but do need answers from OAR and OW.

Have we actually receive the letters? If so, then some form of a holding statement.

DRAFT:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you!

From: Jones, Enesta <Jones.Enesta@epa.gov>

Sent: Tuesday, October 29, 2019 4:20 PM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Press <Press@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Millett, John <Millett.John@epa.gov>

Subject: Re: Media query re CalEPA letter

There is a separate inquiry that involves OW & OAR — from Route Fifty:

I'm working on a follow up story regarding the EPA's letters to California about air quality and water quality violations. Now that California has submitted responses to both letters, what sort of timeframe will the EPA work under to evaluate their responses? Can you describe what the next steps will be?

My deadline for this is 3pm today.

Thanks.

--

Andrea Noble

Reporter - Route Fifty

On Oct 29, 2019, at 4:18 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

This looks to be on the water letter. OW should be able to start working up answers. Especially to these:

Has EPA approved the updated NPDES permit for San Francisco's oceanside discharges? Is there a timeline or is it under review? The local water board approved it in September. The state said it also needs federal approval. Can you confirm that?

In the 9.26 letter, the administrator said Marin county exceeded its limits for cyanide. The state said there has not been a violation for eight years. Can you explain the discrepancy?

Let's find out if we have the letter. If we have not received it, then we need to respond...and I think we could say:

Ex. 5 Deliberative Process (DP)

From: Grantham, Nancy <Grantham.Nancy@epa.gov>

Sent: Tuesday, October 29, 2019 4:07 PM

To: Dennis, Allison <Dennis.Allison@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>

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Subject: RE: Media query re CalEPA letter

All .. we need to have OAR/OCIR/OW coordinate on some sort of response to this inquiry.

Thanks ng

From: Dennis, Allison <Dennis.Allison@epa.gov>

Sent: Tuesday, October 29, 2019 2:05 PM

To: Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>

Cc: Jones, Enesta <Jones.Enesta@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>

Subject: RE: Media query re CalEPA letter

Angela- we got another press q via Enesta on CA's response letter. I'm waiting to hear back if the agency has received this letter through our formal channels yet. We can't respond if we haven't received it yet...

From: Hackel, Angela <Hackel.Angela@epa.gov>

Sent: Tuesday, October 29, 2019 2:03 PM

To: Dennis, Allison <Dennis.Allison@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>

Subject: Fwd: Media query re CalEPA letter

Hello,

We received the below inquiry, the deadline is 6 pm. Please let me know how OW/OECA would like to respond.

Thanks!

Angela

Angela Hackel
Senior Advisor
Office of Public Affairs

Office of the Administrator
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: **Ex. 6**

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Dooley, Emily" <edooley@bloombergenvironment.com>
Date: October 29, 2019 at 1:43:30 PM EDT
To: Press <Press@epa.gov>, "Jones, Enesta" <Jones.Enesta@epa.gov>, "Block, Molly" <block.molly@epa.gov>
Subject: Media query re CalEPA letter

Hi,
Hope you are well.
California's EPA Secretary responded to the Sept. 26 letter from Administrator Wheeler regarding Clean Water Act Concerns.
This is the letter: <http://src.bna.com/MpX>
The state said EPA is retreating from its core mission to protect clean water and safe drinking water. It also said several assertions by EPA were unfounded, misguided and sensationalized.
Is that something you can respond to?

Also I have specific questions:
Has EPA approved the updated NPDES permit for San Francisco's oceanside discharges? Is there a timeline or is it under review? The local water board approved it in September. The state said it also needs federal approval. Can you confirm that?
In the 9.26 letter, the administrator said Marin county exceeded its limits for cyanide. The state said there has not been a violation for eight years. Can you explain the discrepancy?
My deadline is 6 p.m. EST
Thanks, Emily
x x x x x x x x x x x x x x x x

Emily C. Dooley
California Staff Correspondent | Environment & Energy

Bloomberg Environment

571.255.0086
edooley@bloombergenvironment.com
 Twitter: eDooleyNoted

Message

From: Voyles, Travis [Voyles.Travis@epa.gov]
Sent: 10/29/2019 8:30:00 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Jones, Enesta [Jones.Enesta@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]; Hackel, Angela [Hackel.Angela@epa.gov]; Risley, David [Risley.David@epa.gov]; Fuld, John [Fuld.John@epa.gov]; Hull, George [Hull.George@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Press [Press@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Millett, John [Millett.John@epa.gov]
Subject: RE: Media query re CalEPA letter
Attachments: 2019-10-01 SF Water-EPA (CWA Violations).pdf; 2019-10-09 CARB-EPA (California SIPs).pdf

These are the only letters that I have from "California"—if you consider SF Water and CARB as California responding. Otherwise, I would like to know what responses are being referred to.

Travis Voyles
(202) 564-6399

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Tuesday, October 29, 2019 4:26 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>
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All .. we need to have OAR/OCIR/OW coordinate on some sort of response to this inquiry.

Thanks ng

From: Dennis, Allison <Dennis.Allison@epa.gov>

Sent: Tuesday, October 29, 2019 2:05 PM

To: Hackel, Angela <Hackel.Angela@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>

Cc: Jones, Enesta <Jones.Enesta@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>

Subject: RE: Media query re CalEPA letter

Angela- we got another press q via Enesta on CA's response letter. I'm waiting to hear back if the agency has received this letter through our formal channels yet. We can't respond if we haven't received it yet...

From: Hackel, Angela <Hackel.Angela@epa.gov>

Sent: Tuesday, October 29, 2019 2:03 PM

To: Dennis, Allison <Dennis.Allison@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>

Subject: Fwd: Media query re CalEPA letter

Hello,

We received the below inquiry, the deadline is 6 pm. Please let me know how OW/OECA would like to respond.

Thanks!

Angela

Angela Hackel
Senior Advisor
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: Ex. 6

Begin forwarded message:

Resent-From: <Press@epa.gov>

From: "Dooley, Emily" <edooley@bloombergenvironment.com>

Date: October 29, 2019 at 1:43:30 PM EDT

To: Press <Press@epa.gov>, "Jones, Enesta" <Jones.Enesta@epa.gov>, "Block, Molly" <block.molly@epa.gov>

Subject: Media query re CalEPA letter

Hi,

Hope you are well.

California's EPA Secretary responded to the Sept. 26 letter from Administrator Wheeler regarding Clean Water Act Concerns.

This is the letter: <http://src.bna.com/MpX>

The state said EPA is retreating from its core mission to protect clean water and safe drinking water. It also said several assertions by EPA were unfounded, misguided and sensationalized.

Is that something you can respond to?

Also I have specific questions:

Has EPA approved the updated NPDES permit for San Francisco's oceanside discharges? Is there a timeline or is it under review? The local water board approved it in September. The state said it also needs federal approval. Can you confirm that?

In the 9.26 letter, the administrator said Marin county exceeded its limits for cyanide. The state said there has not been a violation for eight years. Can you explain the discrepancy?

My deadline is 6 p.m. EST

Thanks, Emily

Emily C. Dooley

California Staff Correspondent | Environment & Energy

Bloomberg Environment

571.255.0086

edooley@bloombergenvironment.com

Twitter: eDooleyNoted



San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
T 415.554.3155
F 415.554.3161
TTY 415.554.3488

Via Email and FedEx

October 1, 2019

Andrew R. Wheeler
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460
wheeler.andrew@epa.gov

Dear Administrator Wheeler,

On September 26th, you sent a letter to Governor Newsom expressing concerns with California's implementation of federal environmental laws, including the Clean Water Act (CWA). We were surprised to see San Francisco featured prominently in your letter. I am concerned that you may not have been fully briefed on the history and technical aspects of our City's combined sewer system in advance of sending your letter. This letter provides important information in response to a number of inaccuracies and mischaracterizations in your letter. I hope the U.S. Environmental Protection Agency (EPA) will carefully consider this information and, if the EPA has questions, meet with my staff before taking any further action.

The City is proud of its combined sewer system, which captures and treats all of the combined sanitary and storm water flow during the Bay Area's wet winters. The combined sewer system ensures the capture of motor oil, pesticides, metals, trash and other street litter that would otherwise flow directly into San Francisco Bay and the Pacific Ocean during storms. Not only does the existing performance of our combined sewer system comply with the CWA, but San Francisco also led the way nationally in spending billions of dollars to construct its system to reduce combined sewer overflows associated with large wet weather events. EPA has affirmatively recognized San Francisco's historic investment in its system, reporting to Congress in 2001 that:

San Francisco has been engaged in [combined sewer overflow (CSO)] planning and management since 1970, and its [Long Term Control Plan] was fully implemented in the late 1990s. The city has an ongoing sampling program to evaluate the problems caused by overflows and to assess the environmental improvements gained from the program's

London N. Breed
Mayor

Ann Moller Caen
President

Francesca Vietar
Vice President

Anson Moran
Commissioner

Sophie Maxwell
Commissioner

Tim Paulson
Commissioner

Harlan L. Kelly, Jr.
General Manager

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



implementation since 1972. CSO volume and frequency and CSO pollutant loads have been reduced substantially since CSO controls were implemented. Beach closings were reduced, directly benefitting the city's swimming, surfing, and sailboard enthusiasts.¹

Further, as you know, the City embarked on a multi-billion-dollar capital improvement program in 2012 that proactively re-invests in our combined sewer system. Finally, we have a long-standing, collaborative partnership with EPA. As recently as 2018, your Assistant Administrator Dave Ross lauded San Francisco for its program saying the "scale and complexity" of its water infrastructure projects represent "the determination, coordination, and creativity" of San Francisco.²

I trust that we can agree that any EPA actions should be made based upon facts, after a reasonable opportunity and effort to collect relevant information, and in cooperation with the State. To that end, to assist your fact gathering efforts, I provide the following initial response to the most concerning inaccuracies and mischaracterizations in your September 26 letter:

***EPA Has Been Directly and Intrinsically Involved in the Permitting of
San Francisco's Combined Sewer System for Decades***

- EPA has been directly involved in the issuance of all relevant permits relied upon by San Francisco for decades – either as a joint issuer with California or via concurrence authority under the 1989 Memorandum of Agreement (MOA) between EPA and the California State Water Resources Control Board (State Board).
- EPA is not a mere bystander in the implementation of the Clean Water Act; EPA permits a significant number of San Francisco's discharges, in partnership with California. EPA has jointly issued the National Pollutant Discharge Elimination System (NPDES) permit for the Oceanside treatment plant with California for decades. This permit, developed by EPA and California, authorizes the volume and frequency of discharges that your letter now criticizes California for authorizing.
- EPA staff and the San Francisco Bay Regional Water Quality Control Board (Regional Board) worked extensively together over the course of 2019 to prepare a draft NPDES permit renewal (No. CA0037681) for the Oceanside

¹ *Report to Congress: Implementation and Enforcement of the Combined Sewer Overflow Control Policy*, U.S. EPA (EPA 833-R-01-003) (December 2001) ("2001 EPA Report to Congress").

² See EPA Recognizes Excellence and Innovation in Clean Water Infrastructure, available at <https://www.epa.gov/newsreleases/epa-recognizes-excellence-and-innovation-clean-water-infrastructure-6> (last visited Oct. 1, 2019).

treatment plant and combined sewer discharge system.³ The Regional Board voted to adopt that permit on September 11, 2019.⁴ During the State adoption hearing, an EPA representative testified that the Agency “worked closely with” California on the permit and noted “EPA’s support for the [permit].”

EPA Mischaracterizes Wet Weather Discharges and Ignores the Extensive Treatment Capacity of San Francisco’s Combined Sewer System

- Your letter mischaracterizes wet weather discharges by alleging that San Francisco is somehow in violation of the CWA by “routinely discharging more than one billion gallons of combined sewage and stormwater into the San Francisco Bay and the Pacific Ocean on an annual basis.” The City has combined sewer overflows at 36 permitted discharge points on the perimeter of the City only during large winter storm events. The frequency is limited, depending upon the location, to between one and ten discharge events in an average year. As discussed below, all combined sewer overflows are subject to equivalent-to-primary treatment before discharge. The frequency and volume of combined sewer overflows is consistent with the expected performance of the City’s combined sewer system and has been specifically authorized – for decades – by permits either issued jointly by EPA and California or by permits that have received EPA’s concurrence.
- Further, your letter omits the successful and substantial volume of treatment accomplished by the City’s combined sewer system. The City’s three treatment facilities provide primary treatment, secondary treatment and/or disinfection prior to *any* discharge and have the capacity to treat 575 million gallons per day during wet weather. On an annual basis, the City’s three treatment plants treat approximately tens of billion gallons of sanitary and storm water flow prior to discharge.⁵ Only a very small percentage of the total annual discharge is discharged via combined sewer overflows, the vast majority which consists of stormwater. However, these discharges receive equivalent to primary treatment in accordance with CWA and the City’s permits.

All Wet Weather Discharge from San Francisco’s Combined System Receives Equivalent to Primary Treatment to Remove Debris and Floatables

- In his September 18th comments, President Trump alleged there are “tremendous things that we don’t have to discuss pouring into the ocean. You

³ See <https://www.epa.gov/ca/draft-npdes-permit-city-and-county-san-francisco-oceanside-facilities> (last visited Oct. 1, 2019).

⁴ Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for City and County of San Francisco Oceanside Water Pollution Control Plant, Wastewater Collection System, and Westside Recycled Water Project (NPDES Permit No. CA0037681).

⁵ See <https://sfwater.org/modules/showdocument.aspx?documentid=5801>.

know there are needles, there are other things.”⁶ Your letter similarly alleges that “untreated sewage” and “floatables” are “being dumped into San Francisco Bay and the Pacific Ocean.” This is false and is, in fact, inconsistent with decades of statements and findings by EPA. During dry weather, all flow is captured in San Francisco’s collection system and is subject to secondary treatment at wastewater treatment plants prior to discharge. During wet weather, the substantial majority of flow is captured in the collection system and is similarly treated at the City’s wastewater treatment plants. During certain larger storm events, the system is designed and permitted to allow combined sewer overflows at designated discharge points. However, as noted above, even combined sewer overflows receive equivalent-to-primary-treatment prior to discharge. This treatment is described in the currently operative permit for the Oceanside treatment plant, issued jointly by EPA and California, as follows: “[T]he Westside Wet Weather Facilities ... provide the equivalent of wet weather primary treatment through solids settling, skimming of floatable solids, and screening at pump stations.”⁷

- In 1997, for example, after San Francisco completed construction of its combined sewer capture and treatment facilities, EPA performed an assessment and concluded that the performance of combined sewer overflows “was not markedly different from that of a primary treatment plant” and that “[b]each deposition of CSO floatables has therefore been largely eliminated.”⁸ All NPDES permits since 1997 – adopted or approved by EPA – confirm these findings. EPA also recognized the successful removal of debris and waste prior to discharge by San Francisco’s combined system in its 2001 Report to Congress, stating “[d]uring wet weather, excess flow is stored in structures that remove sediment and floatable before the flows are transported to the plant for treatment.”⁹
- Contrary to your letter, as recently as 2016, EPA worked hand-in-hand with California to approve a Statewide trash policy that was recognized as leading the nation and specifically recognized as a proven success for the San Francisco Bay region:

[T]he State Water Resources Control Board adopted an innovative first-of-its kind statewide policy designed to keep trash out of all streams, lakes, bays, estuaries, and coastal and ocean waters. California’s new Trash Control Policy includes a water quality standard for trash. EPA approved the standard in January 2016.

⁶ See https://www.washingtonpost.com/climate-environment/epa-tells-california-it-is-failing-to-meet-its-obligations-to-stem-water-pollution/2019/09/26/b31fca1e-dfac-11e9-8de8-498cabe129a0_story.html (last visited Oct. 1, 2019).

⁷ NPDES No. CA0037681 at 6.

⁸ Determination of Technology Based Requirements for NPDES Permit No. CA0037581: Westside Wet Weather Facilities and Southwest Ocean Outfall, City and County of San Francisco.

⁹ 2001 EPA Report to Congress at 6-12.

The new trash policy prohibits the discharge of trash to state waters through storm drain systems, transportation corridors, and industrial and construction sites that are regulated under stormwater permits. ... This approach has already proven successful in the San Francisco Bay region[] ... The recently updated San Francisco Bay stormwater permit has a target date of 2022 for zero trash. ... California's success in reducing trash in waterways has led EPA to start a national Trash Free Waters program ...¹⁰

Lack of a Consent Decree for San Francisco's Combined Sewer System Is Evidence of the City's Extensive and Pro-Active Investment in Protecting the Environment

- The letter states, "San Francisco is also one of the few major cities with sewers that combine stormwater and sewage flows that is not under a federal consent decree to meet the requirements of federal law." The EPA adopted the CSO Control Policy – the applicable CWA legal framework for combined sewer systems – in 1994. By 1994, San Francisco was already decades into the design and construction of its combined sewer system at a cost of billions of dollars. System construction was completed in 1997.¹¹ EPA has described the results of San Francisco's investment as follows:

CSO discharges have decreased in volume and frequency for ... San Francisco ... since controls were implemented. The reductions for San Francisco have ranged from 80 to 90% compared with the 1970s, prior to implementation of the program. The City has huge underground rectangular tanks or tunnels that ring the City like a moat. During rainstorms, these tanks prevent untreated shoreline discharges.¹²

Because San Francisco was decades ahead of other combined sewer systems in building infrastructure and reducing combined sewer overflows, no consent decree was necessary because the City was and is in compliance with the CWA. Not only did EPA approve the design of the combined sewer system constructed by the City – for decades – EPA found San Francisco's performance, based on that design, protects receiving waters.

¹⁰ EPA Progress Report 2016 (Pacific Southwest, Region 9) (EPA-909-R-16-001) at 8.

¹¹ See, e.g., *National Pollutant Discharge Elimination System (NPDES) Program Review Summary for Region 9* (September 23, 2008) at 50 ("As a result of early planning for CSO control, San Francisco was not required to develop a new LTCP") (available at: https://www.epa.gov/sites/production/files/2015-09/documents/pqr_region_9_report.pdf) (last visited Oct. 1, 2019).

¹² *Id.* at 35.

***EPA Has Recently Concluded that San Francisco's Combined Sewer System is
Not a Significant Source of Bacteria in the Bay***

- The letter alleges that San Francisco's discharges "may be contributing to the state's failure to meet water quality standards." This is not accurate. For example, the Total Maximum Daily Load and Implementation Plan for Bacteria at San Francisco Bay Beaches (Bacteria TMDL) concluded that San Francisco's discharges "are not a significant source of [bacteria]" to receiving waters.¹³ In fact, the Bacteria TMDL specifically identified other sources of bacteria as impacting the Bay, e.g., pets at the beaches, vessels, and wildlife.¹⁴ EPA approved the Bacteria TMDL on Feb. 24, 2017.¹⁵
- In approving the Bacteria TMDL in 2017, EPA concluded that the implementation of the TMDL will "result in the attainment of the bacteria water quality objectives" in the San Francisco Bay.¹⁶ EPA recognized that this would be accomplished without requiring any additional controls on discharges from San Francisco's combined sewer system. This EPA finding contradicts the unsubstantiated statement in your letter that San Francisco "must invest billions of dollars to modernize its sewer system to meet CWA standards."
- In your letter, you allege there are "significant public health concerns" associated with San Francisco's discharges. This is not accurate and is, in fact, directly contrary to recent EPA actions and statements. For example, as part of California's statewide review of its CWA Section 303(d) list of impaired waters, the State proposed de-listing certain receiving waters for bacteria because all available evidence demonstrated "applicable water quality standards for [bacteria] are not being exceeded."¹⁷ The de-listing explicitly included receiving waters offshore Baker Beach in northern San Francisco. EPA approved the Regional Board's de-listing of Baker Beach, on April 6, 2018, concluding the de-listing was "due to *improved water quality*."¹⁸

***San Francisco's Combined Sewer System Is Not Routinely Exposing Residents to
Raw Sewage due to Failed Infrastructure***

- The letter claims that "raw sewage" is entering homes and businesses because of San Francisco's failure "to maintain its sewer infrastructure." This is false. Operation and maintenance deficiencies do not result in routine exposure to raw

¹³ See, e.g., Bacteria TMDL, Staff Report at 20, 24, 27, 47, and 49.

¹⁴ Bacteria TMDL, Staff Report at 40; see also Basin Plan at 7.2.5.2.

¹⁵ Letter from T. Torres to B. Wolfe, Approval of San Francisco Bay Beaches TMDL (Feb. 6, 2017).

¹⁶ *Id.*

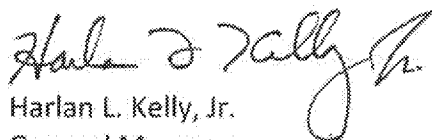
¹⁷ Clean Water Act Sections 303(d) and 305(b) 2016 Integrated Report for the San Francisco Bay Region Staff Report.

¹⁸ Letter from T. Torres, California 2014-2016 CWA Section 303(d) List of Impaired Waters at Enclosure 1 (April 6, 2018) (emphasis added).

sewage across the City. As with any combined sewer system, the City has designed and constructed its system to provide a certain level of service in response to storm events. During extreme wet weather events, parts of San Francisco are susceptible to a risk of flooding. Many of these areas have flooded for a century or more. The City's combined sewer system has, in many cases, decreased the extent or likelihood of flooding in these areas but cannot eliminate it for every possible storm. The continued risk of flooding in some areas is the result of many factors, including precipitation patterns in the Bay Area, the topography of the City, and development in areas that were historically rivers, wetlands and San Francisco Bay. San Francisco is well aware of these concerns and has been actively developing and implementing a multi-pronged flood resiliency program. The foundation for long-term solutions is land use planning, utility-specific levels of service, and other factors that are in the purview of local governments, not the federal government.

San Francisco has worked closely with U.S. EPA Region 9 and the Regional Board for decades as our local partners. And, as I am sure you know, we have recently been working directly with EPA staff here in San Francisco to discuss the future of our combined sewer system. Given that effort, it was surprising to see San Francisco singled out in your letter. Nonetheless, upon request, my staff is available to meet with you or other EPA representatives to further discuss the issues raised above and provide any additional information EPA may require as it determines how it may proceed in pursuing its regulatory obligations under the CWA. And, as always, I would welcome meeting with you in Washington, DC to discuss any remaining concerns that you may have about this matter. It is my sincere hope that we can continue a collaborative relationship with EPA and work cooperatively with you to correct these misunderstandings about our City's combined sewer system.

Sincerely,



Harlan L. Kelly, Jr.
General Manager

San Francisco Public Utilities Commission

cc: Governor Gavin Newsom, State of California
Attorney General Xavier Becerra, California Office of the Attorney General
U.S. Senator Dianne Feinstein, California
U.S. Senator Kamala Harris, California
Jared Blumenfeld, California Environmental Protection Agency
Mayor London Breed, City of San Francisco
City Attorney, Dennis Herrera, San Francisco Office of the City Attorney
E. Joaquin Esquivel, Chair, California State Water Resources Control Board
Dorene D'Adamo, Vice Chair, California State Water Resources Control Board
Tam M. Doduc, California State Water Resources Control Board
Sean Maguire, California State Water Resources Control Board
Laurel Firestone, California State Water Resources Control Board
Michael Stoker, U.S. EPA Region 9 Administrator

Message

From: Grantham, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]
Sent: 10/29/2019 9:49:00 PM
To: Voyles, Travis [Voyles.Travis@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]
Subject: FW: California follow up

Fyi

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Tuesday, October 29, 2019 5:43 PM
To: Andrea Noble <anoble@govexec.com>
Cc: Press <Press@epa.gov>
Subject: Re: California follow up

Hi Andrea,

Please update with our response below.

EPA Spokesperson:

EPA is reviewing the responses from California to our oversight letters on their failures to comply with the Clean Water Act and the Safe Drinking Water Act, as well as their failure to submit approvable State Implementation Plans that would bring them into attainment with federal air quality standards. Because California has the worst air quality in the nation along with other serious environmental challenges, we stand ready to assist the State in addressing these very serious concerns to ensure the protection of public health and the environment for all Californians. As is evident from the October 2, 2019, Notice of Violation sent to the San Francisco Public Utility Commission, EPA also is ready to step in to address the approximately one and a half billion gallons of combined sewage annually discharged onto beaches and other sensitive areas, including areas where recreation takes place.

Background note: California leads the nation with backlogged SIPs and we have made it a priority to eliminate this backlog which have built up over many years.

See below...California currently have 127 backlogged SIPs. Arizona has the second most with 36.

State	Number of Backlogged SIPs
AK	1
AL	1
AZ	36
CA	127
CO	1
CT	5
DC	1
DE	2
FL	4
GA	4
IA	7

ID	1
IL	2
IN	7
KS	2
KY	8
LA	2
MA	6
MD	3
MI	2
MN	1
MO	4
MS	2
MT	3
NC	8
ND	4
NE	5
NH	3
NJ	12
NM	3
NV	5
NY	18
OH	3
OK	8
OR	5
PA	9
RI	1
SC	11
SD	1
TN	4
TX	4
UT	12
VA	2
VT	3
WA	1
WI	5
WV	3
WY	2

On Oct 29, 2019, at 4:28 PM, Andrea Noble <anoble@govexec.com> wrote:

OK, thanks.

On Tue, Oct 29, 2019 at 4:28 PM Jones, Enesta <Jones.Enesta@epa.gov> wrote:

No ETA, but as soon as I have something, I will share.

On Oct 29, 2019, at 4:27 PM, Andrea Noble <anoble@govexec.com> wrote:

It just went up. But I can add later if you are able to provide a comment.

ETA?

On Tue, Oct 29, 2019 at 4:25 PM Jones, Enesta <Jones.Enesta@epa.gov> wrote:

Hi Andrea,

Your story hasn't published. Will you update upon receipt of our statement?

On Oct 29, 2019, at 11:39 AM, Andrea Noble <anoble@govexec.com> wrote

Hello,

I'm working on a follow up story regarding the EPA's letters to California about air quality and water quality violations. Now that California has submitted responses to both letters, what sort of timeframe will the EPA work under to evaluate their responses? Can you describe what the next steps will be?

My deadline for this is 3pm today.

Thanks.

--

Andrea Noble
Reporter - [Route Fifty](#)
Government Executive Media Group
202-266-7548

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Andrea Noble
Reporter - [Route Fifty](#)
Government Executive Media Group
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